

#3



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/901,150	07/10/2001	Masayuki Tomita	4468-020

RECEIVED

CONFIRMATION NO. 5837

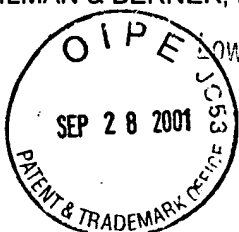
## FORMALITIES LETTER



\*OC000000006468386\*

LOWE HAUPTMAN GILMAN &amp; BERNER, LLP (22429) AUG 27 2001

Suite 310  
1700 Diagonal Road  
Alexandria, VA 22314



Lowe, Hauptman, Gilman &amp; Berner

Date Mailed: 08/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

*A copy of this notice **MUST** be returned with the reply.*

10/03/2001 HNDOR1 00000092 09901150

01 FC:101  
02 FC:105

710.00 OP  
130.00 OP

T03660-0507-0000

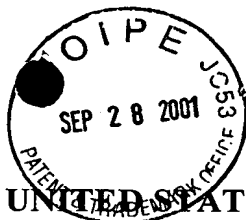
*K. SAYSON*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

0990150-09204  
F03260-05T0660



77-A

*sector \$*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

Masayuki TOMITA

Application Number 09/901,150

Filed July 10, 2001

For: BIT ERROR MEASUREMENT APPARATUS  
AND METHOD, AND RECORDING MEDIUM

Attention:

OIPE

Honorable Commissioner for Patents  
Washington, D.C. 20231

LETTER

Sir:

The below-identified communications are submitted in the above-captioned application or proceeding:

- |                                     |                                     |                                     |                                  |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | Formal Drawings (5 sheets)          | <input checked="" type="checkbox"/> | Letter to Draftsperson           |
| <input type="checkbox"/>            | Priority Document                   | <input checked="" type="checkbox"/> | Credit Card Authorization        |
| <input type="checkbox"/>            | Notice of Priority                  | <input type="checkbox"/>            | Change of Address Notice         |
| <input checked="" type="checkbox"/> | Response to Notice of Missing Parts | <input type="checkbox"/>            | Information Disclosure Statement |
|                                     |                                     | <input type="checkbox"/>            |                                  |

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 07-1337**. A duplicate copy of this sheet is attached.

Respectfully submitted,

*Kenneth M. Berner*

Kenneth M. Berner  
Registration Number 37,093

LOWE HAUPTMAN GILMAN & BERNER, LLP (22429)

1700 Diagonal Road

Suite 310

Alexandria, Virginia 22314

(703) 684-1111

September 20, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of )  
Masayuki TOMITA ) Attention:  
Application Number 09/901,150 ) OIPE  
Filed July 10, 2001 )  
For: BIT ERROR MEASUREMENT APPARATUS )  
AND METHOD, AND RECORDING MEDIUM )

Honorable Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE OF MISSING PARTS**

Sir:

This is in response to the Notice of Missing Parts dated August 24, 2001, of the Initial Patent Examination Division of the Patent and Trademark Office, the period for response to which is set to expire on September 18, 2001. Submitted herewith is the executed declaration for the above-captioned application. Applicant is also submitting herewith corrected drawings in compliance with 37 C.F.R. § 1.84, together with a suitable Letter to the Draftsperson.

The fee of \$840.00, which includes the basic statutory filing fee and late declaration surcharge, is enclosed by way of credit card authorization. Kindly charge any deficiencies in the enclosed fees to Deposit Account 07-1337. Please direct any inquiries in connection to this matter to the undersigned.

Respectfully submitted,

*Kenneth M. Berner*

Kenneth M. Berner  
Registration Number 37,093

**LOWE HAUPTMAN GILMAN & BERNER, LLP (22429)**  
1700 Diagonal Road  
Suite 310  
Alexandria, Virginia 22314  
(703) 684-1111

September 20, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

Masayuki TOMITA

Application Number 09/901,150

Filed July 10, 2001

For: BIT ERROR MEASUREMENT APPARATUS  
AND METHOD, AND RECORDING MEDIUM )



Attention:

OIPE

Honorable Commissioner for Patents  
Washington, D.C. 20231

LETTER TO OFFICIAL DRAFTSPERSON

Sir:

This is in response to the Notice of Missing Parts dated August 24, 2001, of the Initial Patent Examination Division of the Patent and Trademark Office, the period for response to which is set to expire on October 24, 2001. Submitted herewith are new drawings (Figures 1 through 5) that comply with 37 C.F.R. § 1.84.

The Official Draftsperson is respectfully requested to review the attached drawings and provide an indication of the acceptability of these drawings to the undersigned.

Respectfully submitted,

*Kenneth M. Berner*

Kenneth M. Berner  
Registration Number 37,093

LOWE HAUPTMAN GILMAN & BERNER, LLP  
1700 Diagonal Road  
Suite 310  
Alexandria, Virginia 22314  
(703) 684-1111

September 20, 2001

09/901,150-092001